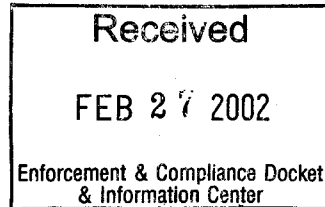


VIA E-MAIL – docket.oeca@epa.gov

February 27, 2002

U.S. Environmental Protection Agency  
Enforcement and Compliance Docket and  
Information Center (Mail Code 2201A)  
Attention: Docket Number EC-2000-007  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460



Re: Electronic Reporting and Recordkeeping Proposed Rule,  
66 Fed. Reg. 46162 (August 31, 2001)

Dear Madam or Sir:

PSEG Services Corporation ("PSEGSC") is submitting these comments in response to the above-referenced proposed rule, which the U.S. Environmental Protection Agency ("EPA") also refers to as the Cross-Media Electronic Reporting and Recordkeeping Rule ("CROMERRR"). PSEGSC is a subsidiary of Public Service Enterprise Group Incorporated ("PSEG") and is submitting these comments on behalf of itself and PSEG's operating companies, Public Service Electric and Gas Company (PSE&G), PSEG Power LLC and PSEG Holdings and their subsidiaries. These companies have an interest in this rulemaking in that they own and/or operate facilities or conduct activities that are subject to reporting requirements under certain federal environmental statutes or regulations or their analogous

In the proposed rule, EPA sets out a number of requirements that it proposes to apply in order for companies that are regulated by EPA to keep records and to submit information required by EPA regulations electronically. EPA also proposes a number of requirements that States and Indian tribes would have to meet in order to accept electronic recordkeeping and submission of information by companies

regulated by the States and tribes under federal authority delegated to the States and tribes by EPA.

PSEGSC supports EPA's efforts to provide for the management and submittal of environmental data and reports via electronic media. PSEG also strongly supports EPA's efforts to minimize to the greatest extent possible any opportunity for tampering with the data maintained and/or submitted in electronic format, thereby ensuring the integrity of the data upon which a company's compliance will be determined. PSEGSC, however, urges EPA to adopt final regulations that will encourage companies to utilize this far more efficient means of recordkeeping and reporting. Unless the final regulations are clear, give due recognition to the amount of time and effort the regulated community has already devoted to developing such recordkeeping systems and provide for adequate notice of any intended changes in the program, then it is unlikely that EPA's objective of improving the efficiency of the recordkeeping and reporting system will be met.

PSEGSC offers the following specific comments on the proposed regulations.

### §3.3 Definitions

The definitions of electronic document and electronic record appear to be inconsistent. The definition of electronic document specifically excludes documents submitted on such magnetic media as diskettes, compact disks or tapes. However, the underlying information used to produce the magnetic media document would clearly fit under the definition of electronic record. PSEGSC suggests that EPA clarify this apparent inconsistency by clearly identifying in the definition of 'electronic record' that an electronic record only becomes an 'electronic document' when it is submitted via a telecommunications network.

### §3.20 Notice of changes to the Central Data Exchange

In subsection [a][1], EPA proposes to provide at least a year's notice if it intends to implement a change that would require changes or replacements of the equipment, software or services needed to report electronically. If EPA were to issue a notice and take action after the close of a comment period, this

would likely take three to four months, at a minimum. The regulated community would not be afforded adequate time to comply with the new requirements under such a schedule, if the change were in any way substantial. If EPA intends to provide for only a year's advance notice of a proposed change, EPA should

Likewise, in subsection [a][2], EPA proposes to provide sixty days notice of other changes to this program. Given the critical importance of recordkeeping and reporting to determining compliance with Environmental Regulations, it may be prudent for EPA to provide at least 120 days advance notice so that the regulated community can make whatever adjustments are required and have time to "dry run" the product in advance of the new system's being used to determine compliance.

With respect to both subsections, it is PSEGSC's experience with state-administered programs that whenever changes are made to the electronic systems used by an agency for recordkeeping and reporting, it takes a minimum of several months to work through and "debug" the new system. EPA should take this into account in establishing timeframes for both commenting on new systems, software etc. and for implementing any modifications to an existing system. Otherwise, EPA and/or the state agencies and the regulated community will be required to spend considerable time and effort to ensure the accuracy of the data being relied upon for determining compliance.

#### Subpart C – Electronic Recordkeeping under EPA Programs

Under this subpart EPA establishes criteria for the maintenance of electronic records. However, EPA does not address the issue of how records generated prior to the rule can be addressed. Nor does the EPA provide any grace period for the conversion of systems into compliance with this rule. EPA should consider prioritizing the programs that will be affected by this rule and establish a timetable for implementing these requirements that will enable the regulated community, states, tribes or local environmental programs a reasonable amount of time over which to spread the costs of refurbishing

systems.

In addition, EPA should recognize that the types of data and information submitted under the various programs differ in complexity. In some cases submittals are primarily text messages (letters of notification under the Asbestos Program) that could be handled by simply transmitting a PDF file of the letter. Therefore, EPA should provide flexibility for the specific programs to develop and promulgate a system that meets the overall security requirements while, being tailored to fit the type and quantity of data and information that needs to be managed.

In sum, PSEGSC supports EPA's efforts to expand the use of electronic recordkeeping and reporting but urges EPA to adopt regulations that reflect the work that states and the regulated communities have done to develop and enhance such systems. These regulations need to take heed of the difficulties that have been encountered in those endeavors and ensure the integrity of the data being maintained or submitted while establishing a program that will increase efficiency rather than establish new regulatory hurdles.

8848.

Sincerely,

Russell J. Furnari  
Environmental Policy Manager

cc: Director, Collections Strategies Division  
U.S. Environmental Protection Agency (2822)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Office of Information and Regulatory Affairs  
Office of Management and Budget  
Attention: Desk Officer for EPA  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503

M. F. Brownstein  
M. F. Vaskis, Esq.



"Furnari, Russell J."  
<Russell.Furnari@pseg.com>

02/27/02 04:06 PM

To: "docket.oeca@epa.gov" <docket.oeca@epamail.epa.gov>  
cc: "Brownstein, Mark S." <Mark.Brownstein@pseg.com>, "Vaskis,  
Maureen F." <Maureen.Vaskis@pseg.com>  
Subject: PSEGSC 'CROMERRR' Comments

Dear Madam or Sir

Attached is a PDF file transmitting the comments of PSEG Services Corporation to EPA's proposed Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERRR). PSEGSC thanks EPA for the opportunity to comment on this rule.

Russell J. Furnari  
Environmental Policy Manager - Water  
PSEG Services Corporation  
80 Park Plaza, MC - T17G  
Newark, NJ 07102  
Office - 973-430-8848  
Fax - 973-565-0525  
Pager - 973-308-0874  
E-mail - russell.furnari@pseg.com

<<PSEGSCCROMERRRComments22702 final.doc>>



PSEGSCCROMERRRComments22702 final.